

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

JOSEPH A. CAMP,

Plaintiff,

v.

JAMES McGIBNEY, *et al.*,

Defendants.

Civil Action No.

5:14-CV-1287 (DNH/DEP)

APPEARANCES:

FOR PLAINTIFF:

OF COUNSEL:

JOSEPH A. CAMP, *Pro Se*
E-mail: CampJoseph01@gmail.com¹

FOR DEFENDANTS:

NONE

¹ In his *pro se* complaint, plaintiff indicates that he is homeless and consents to receiving electronic notifications in this action via e-mail at CampJoseph01@gmail.com. Dkt. No. 1 at 7. Pursuant to rule 10.1(c)(2) of the local rules of practice for this court, however, as a *pro se* litigant, plaintiff is required to provide an address to the court "on each document [he] files" with the court. N.D.N.Y. L.R. 10.1(c)(2). In addition, because plaintiff has asserted only a claim of defamation against the defendants, which is a common law claim arising under New York state law, the sole potential basis for this court's jurisdiction over those claims is diversity of citizenship pursuant to 28 U.S.C. § 1332. Without plaintiff's address, the court is unable to determine whether there is complete diversity under section 1332. Moreover, plaintiff's complaint alleges that he "was / is a resident of the Northern District of New York," which provides the court with no useful information regarding his current residency for purposes of section 1332. For all of these reasons, plaintiff is directed, within seven days of this order, to provide his address to the court for use in connection with this action.

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

DECISION AND ORDER

The clerk has sent forwarded to my chambers a civil rights complaint, together with an application to proceed *in forma pauperis* ("IFP"), a request for the United States Marshals Service to effectuate service upon the named defendants, and a request for the issuance of subpoenas, all of which have been filed by plaintiff Joseph A. Camp, who is proceeding *pro se* in this matter. Dkt. Nos. 1, 8. In his complaint, plaintiff asserts defamation claims against James McGibney, Cheaterville.com, Bullyville.com, and Contentcolo.com. Dkt. No. 1 at 1. Plaintiff seeks monetary damages, as well as other relief deemed just and proper by the court. *Id.* at 6-7.

As to plaintiff's IFP application, because he paid the \$400 filing fee at the time of commencement of this action, his application is denied without prejudice. Turning to plaintiff's request for an order directing the United States Marshals Service to effectuate service of process upon the named defendants, this request is also denied without prejudice. Plaintiff is directed to forward requests for waivers of service to the defendants pursuant to Rule 4(d) of the Federal Rules of Civil Procedure. For plaintiff's convenience, the clerk of the court is directed to provide plaintiff with (1) a blank notice of a lawsuit for each defendant, (2) a request to waive service

of a summons for each defendant, (3) a waiver of the service of summons form for each defendant, and (4) a copy of Rule 4 of the Federal Rules of Civil Procedure, which explains the process for service upon the defendants. With respect to plaintiff's request for the court to issue subpoenas, this application is denied as premature. No discovery will be permitted in this action until the court has conducted a Rule 16 conference in the case.

WHEREFORE, it is hereby

ORDERED that, within seven days of this order, plaintiff provide an address to the court that may be used in connection with this action; and it is further

ORDERED that plaintiff's IFP application (Dkt. No. 8) is DENIED without prejudice; and it is further

ORDERED that plaintiff's request for an order directing the United States Marshals Service to effectuate service of process upon the named defendants (Dkt. No. 8-1) is DENIED without prejudice; and it is further

ORDERED that the clerk provide plaintiff with a blank notice of a lawsuit, a request to waive service of a summons, and a waiver of the service of summons for each of the named defendants, along with a copy of Rule 4 of the Federal Rules of Civil Procedure; and it is further

ORDERED that plaintiff is directed to mail a notice of a lawsuit, a request to waive service of a summons, and a waiver of the service of summons, together with copies of the complaint and General Order 25 packet filed on October 22, 2014 (Dkt. No. 3), which sets forth this district's Civil Case Management Plan and a date for the in-person Rule 16 conference, to each of the named defendants in this matter; and it is further

ORDERED that plaintiff is directed to file with the court the executed waivers of service upon completion by the defendants. As a reminder, all filings from the plaintiff must be submitted either through the mail or over the counter at the clerk's office; and it is further

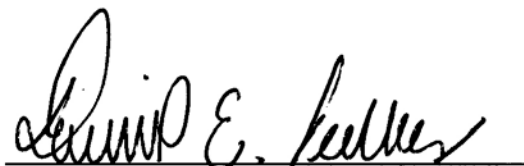
ORDERED that, following service of process on defendants, defendants or their counsel shall file a formal response to plaintiff's complaint in accordance with the Federal Rules of Civil Procedure and the local rules of practice for this court; and it is further

ORDERED that plaintiff's request for the issuance of subpoenas (Dkt. No. 8-2) is DENIED as premature. No discovery will be permitted until the court has conducted a Rule 16 conference in this matter, and plaintiff is hereby directed not to issue any discovery requests or subpoenas to any party or non-party in connection with this action until the court grants permission to engage in discovery; and it is further

ORDERED that all pleadings, motions, and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the court or the clerk must be accompanied by a certificate showing that a true and correct copy of same was mailed to all opposing parties or their counsel. Any document received by the clerk or the court that does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing.** Plaintiff must comply with any requests by the clerk's office for any documents that are necessary to maintain this action. All parties must comply with rule 7.1 of the local rules of practice for this court when filing motions, which must be returnable before the assigned district judge with proper allowance for notice as required by the rules. **Plaintiff is also required to promptly notify the clerk's office and all parties or their counsel of any change in his address; his failure to do so will result in the dismissal of this action;** and it is further

ORDERED that the clerk of the court shall serve a copy of this order upon plaintiff via electronic means.

Dated: November 3, 2014
Syracuse, New York

A handwritten signature in black ink, appearing to read "David E. Peebles", written over a horizontal line.

David E. Peebles
U.S. Magistrate Judge